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SHOPIFY (USA) INC.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT G. LOPEZ, *pro se*,

Plaintiff,

v.

ZAZZLE, INC., et al.

Defendants.

Case No. 17-CV-8493 (LAP)

**DEFENDANT SHOPIFY (USA) INC.'S
NOTICE OF MOTION AND MOTION TO
DISMISS**

PLEASE TAKE NOTICE that, upon the Declarations of Erin Zipes and Rebecca K. Felsenthal, and the exhibits attached thereto, and the memorandum of law submitted herewith, Defendant Shopify (USA) Inc. ("Shopify USA"), by and through its undersigned attorneys, will respectfully move the Court before the Honorable Loretta A. Preska, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 12A, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant Rules 12(b)(2), 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiff Robert G. Lopez's Third Amended Complaint (ECF No. 90) with prejudice for lack of personal jurisdiction, improper venue, and failure to state a claim upon which relief can be granted, and for such other and further relief as the Court may deem just and proper.

DATED: March 9, 2018

SIDEMAN & BANCROFT LLP

By: /s/ Rebecca K. Felsenthal
Rebecca K. Felsenthal
Attorneys Specially Appearing for Defendant
Shopify (USA) Inc.